



The Comptroller General
of the United States

Washington, D.C. 20548

Decision

Charlton

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Matter of: Northcoast Redwood Tours

File: B-231770

Date: July 6, 1988

DIGEST

Protester's allegation that proposal which failed to include proof of possession of a specific permit, as required by the request for proposals, was technically unacceptable is without merit since the requirement pertained to responsibility and therefore could be satisfied at any time prior to award.

DECISION

Northcoast Redwood Tours protests the award of a contract to Green Valley Motel and Exxon of Orrick, California, under request for proposals (RFP) No. 8480-88-01, issued by the Department of the Interior for shuttle bus services at Redwood National Park, California.

We dismiss the protest.

The RFP required each bidder to submit proof of possession of a valid public transportation permit with its proposal. According to the protester, as of April 26, 1988, the closing date for best and final offers, only Northcoast had complied with this requirement. On May 12, the California Public Utilities Commission issued a permit to Green Valley. Green Valley produced evidence of its possession of the permit on May 16, and on that day was awarded the contract.

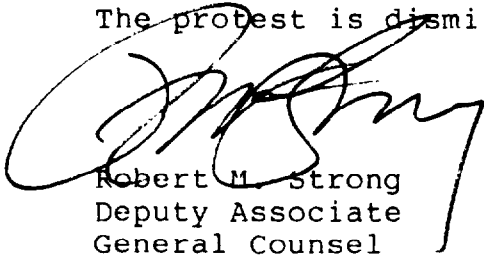
Northcoast protests that Green Valley's failure to include proof of its possession of the permit with its final proposal constituted a material omission sufficient to render the offer unacceptable. Northcoast contends that it was the only technically acceptable offeror because its proposal included proof of possession of the required permit and, therefore, it should have been awarded the contract.

As a general matter, a solicitation provision like the one here, requiring a prospective contractor to obtain a specific license or permit, involves the issue of the firm's responsibility rather than the acceptability of the offer,

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since it relates to the ability of the successful offeror to perform. See, e.g., Tri-S, Inc., B-226793.2, June 26, 1987, 87-1 CPD ¶ 634. A requirement that relates to responsibility, moreover, may be satisfied at any time prior to award. See Norfolk Dredging Co., B-229572.2, Jan. 22, 1988, 88-1 CPD ¶ 62. Therefore, notwithstanding the RFP's statement that proof of possession of the permit should be submitted with the proposal, Green Valley's failure to submit such proof with its proposal had no bearing on the acceptability of the offer. Rather, as a matter of responsibility, Green Valley only had to submit the requested information before award was made.

The protest is dismissed.



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General Counsel